761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 16, 2014

FROM: STEPHEN B. JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: STEVEN E. BIAGINI, CAPTAIN
EAST LOS ANGELES STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2321692/IV2364956
Incident:	On Duty Hit Shooting
Incident Date:	September 28, 2012
Unit:	East Los Angeles Station
Suspect:	Garcia, Antonio MH/12/22/92
Involved Employee:	Deputy [redacted], #[redacted]
EFRC Date:	September 11, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Michael Parker, Stephen Johnson and Patrick Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were not within Department policy.

The EFRC determined that Deputy [redacted] violated the following policy: Foot Pursuit Policy.

RECOMMENDATIONS:

The EFRC recommended that Deputy [redacted] receive a two day suspension. The EFRC also recommended the Unit Commander, Captain Steven Biagini, conduct a tactical debriefing of the incident. This debriefing is to address proper tactics, using cover and concealment and broadcasting information during critical incidents. This debriefing is to involve members of the Tactics and Survival Unit.

SBJ:RFI:rfi

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 16, 2014

FROM: STEPHEN B. JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2321692/IV2364956
Incident:	On Duty Hit Shooting
Incident Date:	September 28, 2012
Unit:	East Los Angeles Station
Suspect:	Garcia, Antonio MH/12/22/92
Involved Employee:	Sergeant [redacted] #[redacted]
EFRC Date:	September 11, 2014

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FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were not within Department policy.

The EFRC determined that Sergeant [redacted] violated the following policy: Foot Pursuit Policy.

RECOMMENDATIONS:

The EFRC recommended that Sergeant [redacted] receive a two day suspension. The EFRC also recommended the Unit Commander, Captain Ernest Chavez, conduct a tactical debriefing of the incident. This debriefing is to address proper tactics, using cover and concealment and broadcasting information during critical incidents. This debriefing is to involve members of the Tactics and Survival Unit.

SBJ:RFI:rfi



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 18, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #12-0620
LASD File #012-12210-0282-055

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 28, 2012, non-fatal shooting of Antonio Garcia by Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and [redacted] We have concluded that the deputies acted in self defense and in defense of each other.

The District Attorney's Command Center was notified of the shooting on September 28, 2012, at 11:55 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Senior Investigator [redacted] responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports submitted by LASD Homicide Detectives Margarita Perone and Dameron Peyton. The voluntary statements of the deputies were considered in this analysis.

FACTUAL ANALYSIS

On September 28, 2012, LASD Deputies [redacted] and [redacted] responded to "an assault with a deadly weapon" call in the area of 1st Street and Mednick Avenue in the City of East Los Angeles. The deputies contacted an unidentified man who had just exited a pedestrian bridge which spanned across the 60 Freeway. The man informed the deputies that there was a male hiding on the bridge. On the bridge, the deputies encountered Antonio Garcia who pointed a gun at them resulting in an officer involved shooting.

Statement of [redacted]

[redacted] was walking home from the train station located at 1st Street and Beverly Boulevard when he encountered Garcia at the corner of 1st Street and Mednick Avenue. Garcia asked [redacted] where he was from and [redacted] responded that he was from nowhere. Garcia

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

stated, "I'm from Arizona[1] and I have a gun. I'm going to kill you. You better run." Garcia started counting, "One, two three." [redacted] dismissed Garcia's threats and began walking away. Suddenly, [redacted] heard three gunshots and immediately ran toward his home.

Statement of Deputy [redacted]

Deputy [redacted] parked his patrol car near the bridge walkway. He saw Garcia crouched down on the walkway, illuminated him with a flashlight and ordered him to stand and show his hands. Garcia rose to his feet, reached in his waistband, produced a handgun and pointed it at [redacted]. Fearing for his safety, [redacted] fired two rounds at Garcia. [redacted] gun malfunctioned. [redacted] stepped in front of [redacted] who tried to correct the malfunction as Garcia ran. [redacted] corrected the malfunction and both deputies followed Garcia. As they crossed the apex of the bridge, [redacted] saw Garcia and again ordered him to stop. Garcia turned toward the deputies brandishing the gun. Fearing for his safety and for the safety of [redacted] [redacted] fired an additional series of rounds. Garcia fell to the ground, got up and continued running across the bridge into Belvedere Park, located on the opposite end of the bridge, where he was detained by responding deputies.[2]

Statement of Deputy [redacted]

Deputy [redacted] was broadcasting via his hand held radio reporting a person hiding on the bridge as [redacted] approached the walkway. [redacted] heard [redacted] shouting commands followed by the sound of gunfire. [redacted] heard [redacted] yell that his gun was jammed, ran to his aid, drew his service weapon and got in front of [redacted] to provide cover as Garcia ran across the bridge. [redacted] cleared his weapon and the two deputies ran after Garcia who stopped and turned toward them brandishing his gun in their direction. [redacted] fired three rounds at Garcia who fell to the ground, got up, ran across the bridge and was detained by other deputies.[3]

Statement of Antonio Garcia

Garcia went to Ralphs market to purchase gin and was planning to attend a party later in the evening. He exited the Metrolink at 1st Street and Mednik Avenue. He did not recall confronting anyone on the street, denied shooting [redacted] or being a member of "Arizona Maravilla." He carried a gun inside his front pant's pocket. However, he did not know where the gun came from but believed someone put it in his backpack. He fired the handgun twice in the air to see if the gun was functioning. He did not know why the deputies shot him.[4]

---

[1] Street parlance recognized by [redacted] as belonging to a local criminal street gang "Arizona Maravilla."
[2] Deputy [redacted] fired a total of three rounds from his 9mm Berretta, semiautomatic handgun.
[3] Deputy [redacted] fired a total of four rounds from his 9mm Berretta, semiautomatic handgun.
[4] Garcia was transported to Los Angeles County USC Medical Center where he underwent surgery and was treated for a gunshot wounds to his lower leg and back.

Other evidence

Garcia was in possession of a .32 caliber Smith and Wesson, Model 32, revolver. There was one live round in the gun and six live rounds found inside Garcia's backpack.

Garcia was charged with attempted murder of [redacted] in violation of Penal Code section 664/187(a) and two counts of assault with a firearm on a Peace Officer in violation of Penal Code section 245(d)(1) in Case No. BA403171. This matter is pending in Department 132.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

CONCLUSION

The evidence examined shows that Antonio Garcia threatened to kill and tried to kill [redacted] and assaulted Deputies [redacted] and [redacted] with a loaded firearm. In reasonable fear of great bodily injury or death, Deputies [redacted] and [redacted] fired their service weapons striking Garcia. Based on the foregoing, we find that Deputies [redacted] and [redacted] acted in lawful self-defense and in defense of each other. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

STEPHANIE SPARAGNA
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] #[redacted]
Deputy [redacted] #[redacted]



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

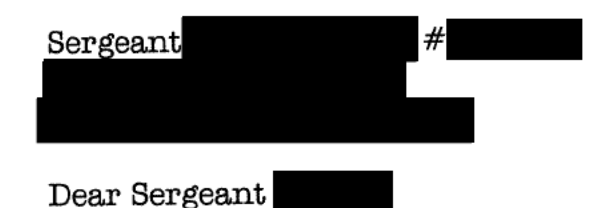
HALL OF JUSTICE

JIM MCDONNELL, SHERIFF



February 15, 2016

Date of Department Hire 02/08/1995



Sergeant [redacted] #[redacted]
[redacted]

Dear Sergeant [redacted]

On September 16, 2014, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2364956. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department, dated April 02, 2015, you are suspended without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of two (2) days. However, pursuant to the EBD agreement, the two (2) days will be held in abeyance for a period of twelve (12) months which will end on April 1, 2016. All Department records will reflect, nevertheless, that you received a two (2) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the two (2) days held in abeyance will be imposed.

An investigation under File Number IAB 2364956, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures, Section(s) Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents and/or 5-09/220.50, Foot Pursuits), on or about September 28, 2012, while on duty, you failed to conform to the work standards established for

your position as a detective when you failed to employ sound tactical principles during a tactical dilemma while investigating an illegal shooting/assault with a deadly weapon call which evolved in a deputy involved shooting and a foot pursuit as evidenced by, but not limited to:

a. failing to broadcast on a Sheriff's Communications Center access channel and advise Sheriff's Communication Center personnel and personnel from East Los Angeles station that you were involved in a deputy-involved shooting and that you were engaged in a foot pursuit; and/or,

b. failing to communicate and coordinate East Los Angeles station personnel's response, immediately after a deputy-involved shooting and prior to the initiation of a foot pursuit, for the purpose of isolating and/or apprehending a suspect who was attempting to avoid detention and/or arrest; and/or,

c. placing yourself in a tactical disadvantage by forfeiting cover and closing the distance on an armed suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Ernest E. Chavez, Captain
Century Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

EEC:DLM:vv

cc: Advocacy Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
Century Station/unit Personnel File

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Sergeant [redacted] Employee No. [redacted] hereinafter referred to as "Sergeant [redacted]"

The Department and Sergeant [redacted] are parties to this dispute and desire to settle all issues involved in IAB No. 2364956 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Sergeant [redacted] for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the two (2) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the two (2) days in abeyance pending completion of the below listed class.

3. Sergeant [redacted] understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this agreement, the two (2) days held in abeyance shall be imposed. In addition, Sergeant [redacted] understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Sergeant [redacted] records will reflect that the two (2) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Sergeant [redacted] further agrees to attend and complete the below listed EBD course and understands that failure to complete **all** the course and assignment shall result in the imposition of the two (2) days held in abeyance:

- Lieutenants' Interactive Forum for Education (LIFE) class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process.

6. The Department may adjust Sergeant [redacted] schedule to participate in the EBD course and EBD item, as EBD is conducted on-duty.

7. Sergeant [redacted] agrees to cooperate with his Unit Commander to complete the course as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

PPI updated 2/1/16 J.V.

8. Sergeant [redacted] further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Sergeant [redacted] agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Sergeant [redacted] concerning the subject matter referred to herein.

11. Sergeant [redacted] further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

13. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 04/02/15

[redacted]
[redacted] Sergeant

Date: 4/2/15

Ernest E. Chavez, Captain
Century Station



John E. Scott, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 16, 2014



Deputy [redacted], #[redacted]
[redacted]

Dear Deputy [redacted]:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days.

An investigation under IAB File Number 2364956, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures, Section(s) Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents and/or 5-09/220.50, Foot Pursuits), on or about September 28, 2012, while on duty, you failed to conform to the work standards established for your position as a detective when you failed to employ sound tactical principles during a tactical dilemma while investigating an illegal shooting/assault with a deadly weapon call which evolved in a deputy involved shooting and a foot pursuit as evidenced by, but not limited to:

   a. failing to broadcast on a Sheriff's Communications Center access channel and advise Sheriff's Communication Center personnel and personnel from East Los Angeles station that you were involved in a deputy-involved shooting and that you were engaged in a foot pursuit; and/or,

   b. failing to communicate and coordinate East Los Angeles station personnel's response, immediately after a deputy-

involved shooting and prior to the initiation of a foot pursuit, for the purpose of isolating and/or apprehending a suspect who was attempting to avoid detention and/or arrest; and/or,

c. placing yourself in a tactical disadvantage by forfeiting cover and closing the distance on an armed suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Yvonne Mendez, of Internal Affairs Bureau, at ([redacted]) [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Ernest E. Chavez, Captain
Century Station

EEC:AEA:ym

c: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File # IAB 2364956)



John E. Scott, Sheriff

County of Los Angeles

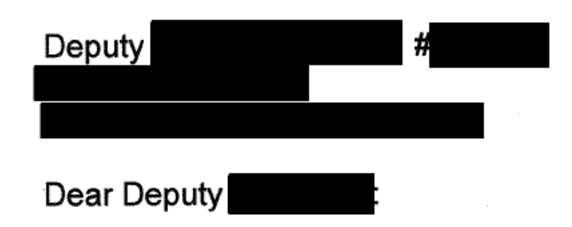
Sheriff's Department Headquarters

4700 Ramona Boulevard

Monterey Park, California 91754-2169



October 2, 2014



Deputy [redacted] #[redacted]

[redacted]

Dear Deputy [redacted]:

On September 16, 2014, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2364956. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated September 18, 2014, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days. However, pursuant to the EBD agreement, the two (2) days will be held in abeyance for a period of twelve (12) months which will end on September 17, 2015. All Department records will reflect, nevertheless, that you received a two (2) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the two (2) days held in abeyance will be imposed.

An investigation under File Number IAB 2364956, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures, Section 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents and/or 5-09/220.50, Foot Pursuits), on or about September 28, 2012, while on duty, you failed to conform to the work standards established for your position as a detective when you failed to employ sound tactical principles during a tactical dilemma while investigating

an illegal shooting/assault with a deadly weapon call which evolved in a deputy involved shooting and a foot pursuit as evidenced by, but not limited to:

a. failing to broadcast on a Sheriff's Communications Center access channel and advise Sheriff's Communication Center personnel and personnel from East Los Angeles station that you were involved in a deputy-involved shooting and that you were engaged in a foot pursuit; and/or,

b. failing to communicate and coordinate East Los Angeles station personnel's response, immediately after a deputy-involved shooting and prior to the initiation of a foot pursuit, for the purpose of isolating and/or apprehending a suspect who was attempting to avoid detention and/or arrest; and/or,

c. placing yourself in a tactical disadvantage by forfeiting cover and closing the distance on an armed suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Samuel R. Arellano, Acting Captain
East Los Angeles Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

SRA:AEA:ym

c: Advocacy Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
East Los Angeles Station/Unit Personnel File

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy [redacted] Employee No. [redacted] hereinafter referred to as "Deputy [redacted]"

The Department and Deputy [redacted] are parties to this dispute and desire to settle all issues involved in IAB No. 2364956 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Deputy [redacted] for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the two (2) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the two (2) days in abeyance pending completion of the below listed class.

3. Deputy [redacted] understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this agreement, the two (2) days held in abeyance shall be imposed. In addition, Deputy [redacted] understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Deputy [redacted] records will reflect that the two (2) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Deputy [redacted] further agrees to attend and complete the below listed EBD course and understands that failure to complete **all** the course and assignment shall result in the imposition of the two (2) days held in abeyance:

- Lieutenants' Interactive Forum for Education (LIFE) class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process.

6. The Department may adjust Deputy [redacted] schedule to participate in the EBD course and EBD item, as EBD is conducted on-duty.

7. Deputy [redacted] agrees to cooperate with his Unit Commander to complete the course as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

PPI updated 10/1/14

8. Deputy [redacted] further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Deputy [redacted] agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy [redacted] concerning the subject matter referred to herein.

11. Deputy [redacted] further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

13. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 09-18-14

[redacted]

[redacted], Deputy

Date: 9-18-14

Steven E. Biagini, Captain
East Los Angeles Station



John B. Scott, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 16, 2014

Deputy [redacted], #[redacted]
[redacted]

Dear Deputy [redacted]

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days.

An investigation under IAB File Number 2364956, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures, Section(s) Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents and/or 5-09/220.50, Foot Pursuits), on or about September 28, 2012, while on duty, you failed to conform to the work standards established for your position as a detective when you failed to employ sound tactical principles during a tactical dilemma while investigating an illegal shooting/assault with a deadly weapon call which evolved in a deputy involved shooting and a foot pursuit as evidenced by, but not limited to:

   a. failing to broadcast on a Sheriff's Communications Center access channel and advise Sheriff's Communication Center personnel and personnel from East Los Angeles station that you were involved in a deputy-involved shooting and that you were engaged in a foot pursuit; and/or,

   b. failing to communicate and coordinate East Los Angeles station personnel's response, immediately after a deputy-

involved shooting and prior to the initiation of a foot pursuit, for the purpose of isolating and/or apprehending a suspect who was attempting to avoid detention and/or arrest; and/or,

c. placing yourself in a tactical disadvantage by forfeiting cover and closing the distance on an armed suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Yvonne Mendez, of Internal Affairs Bureau, at ([redacted]) [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Steven E. Biagini, Captain
East Los Angeles Station

SEB:AEA:ym

c: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File # IAB 2364956)

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
10/02/12	Internal Affairs Bureau	[ ]	[x]

Incident Information

URN:	Date:	Time:
012-12210-0282-055	09/28/12	2212

City or Station: East Los Angeles

Location: 4915 1st Street, L.A, CA

Nature of Incident: The suspect pointed a gun at deputies while on a footbridge, which resulted in a deputy involved shooting.

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [x] Freeway
- [ ] Industrial
- [x] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [x] Street
- Other: footbridge

Lighting (*check only one*):
- [x] Darkness
- [ ] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 30 yards

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [x] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [x] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
11	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Cardella	Paul		[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Rothe	Frank		[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Ochoa	J.	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Infante	David	

PSTD Use Only

SH # ____________

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09/28/12	0205	08/28/14	09/18/13

Employee #	Last Name	First Name	M.I.
[redacted]	Parker	Brenda	
[redacted]	Mannion	Patrick	
[redacted]	Kusch	Roderick	

Shooting / Force Information

Method
(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury
(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured
(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand
(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber
(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	SW	25	N	N	NN	
S#1	E#2	FH	SW	25	N	N	NN	
E#1	S#1	FH	BR	9	Y	Y	GS	BK
E#2	S#1	FH	BR	9	Y	Y	GS	BK

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-12210-0282-055

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: [redacted]	Rank: [redacted]	Unit Assignment [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]EM [redacted]PM [redacted]Day	ShiftType (*circle only one*): [redacted]Regular [redacted]Overtime [redacted]Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☑ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: [redacted] Weight: [redacted]			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm # Shots 8	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: [redacted]	Rank: [redacted]	Unit Assignment [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]EM [redacted]PM [redacted]Day	ShiftType (*circle only one*): [redacted]Regular [redacted]Overtime [redacted]Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☑ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: [redacted] Weight: [redacted]			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm # Shots 3	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

SH-R-438A (rev. 04/18/13)

See Other Side

Officer Involved Shooting
Suspect Information

URN: 012-12210-0282-055

Suspect Information

S 1

Last Name: Garcia		First Name: Antonio	M.I. D
AKA Last Name:		First Name:	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: D.O.B. 12/22/92	Height: 506 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 3317535	Primary Charge: 664/187 PC	Secondary Charge:	245 (d) (2) PC
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

UNIT: East Los Angeles Station
DATE: September 28, 2012
TIME: 2212 Hours
LOCATION: 4915 1st Street, Los Angeles
URN#: 012-12210-0282-055
IAB#: SH2321692

NATURE OF INCIDENT:

Suspect Garcia was shot by deputies when he pointed a handgun at them.

Several East Los Angeles units were responding to an "assault with a deadly weapon/shots fired" call in the area of Mednick Avenue and 1st Street. As Deputies [redacted] and [redacted] drove to assist, they saw a bicyclist near the pedestrian freeway overpass and stopped to ask if he had seen anyone similar to the description of the suspect involved in the call. The bicyclist said there was a male Hispanic hiding on the pedestrian overpass and directed their attention to the opening of the walkway. The deputies drove to the entrance, parked their vehicle and exited.

As Deputy [redacted] neared the entrance to the walkway, he illuminated the area with his flashlight and saw the suspect crouching near a backpack on the ground. The suspect immediately stood up and pointed a handgun at [redacted]. Fearing for his safety and his partner's safety, [redacted] fired a volley of shots at the suspect, who then ran southbound on the overpass. Deputies [redacted] and [redacted] went to the top of the walkway where they had last seen the suspect and peered around the corner. Again, they saw the suspect standing in the center of the walkway as he raised a handgun toward them. Both deputies, fearing for their safety, fired several rounds, striking the suspect. The suspect dropped his handgun and ran southbound over the 60 Freeway and into Belvedere Park, where he was detained by assisting deputies.

Suspect Garcia sustained 5 gunshot wounds to the lower back and 1 to the right leg. He was transported to Los Angeles County/USC Medical Center where he is listed in stable condition.

A Smith & Wesson, Model 832, six shot revolver, was recovered at the scene. The weapon's cylinder contained one expended .32 auto shell casing. On the walkway, one expended .32 auto shell casing and five, live .32 auto rounds, were recovered. Six live .32 auto rounds were recovered inside the backpack.

Eleven expended 9mm shell casings fired by Deputies [redacted] and [redacted] were also

recovered at the scene.

Suspect Garcia is a known “Arizona Maravilla” gang member.

INVOLVED PERSONNEL:


[redacted] – [redacted] #[redacted]
Central Patrol Division

Date of Employment: [redacted]
Date Assigned to [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] – [redacted] #[redacted]
Central Patrol Division

Date of Employment: [redacted]
Date Assigned to [redacted] Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:

Garcia, Antonio De Jesus
[redacted]

Sex:	Male
Race:	Hispanic
Date of Birth:	12/22/92
Height:	5’06
Weight:	180
Booking #	3317535
Charge:	245 (d) (2) P.C., Assault with a Deadly Weapon (Firearm) On a Peace Officer
Injury:	1 gunshot wound to the upper/middle back,1 gunshot wound to the middle of back, 1 gunshot wound to the left lower back, 1 gunshot wound to the back left thigh, 1 gunshot wound to the left knee

The Consolidated Criminal History System reveals that the suspect has a [redacted]

> **IAB Note:** See Miscellaneous documents to view a copy of Suspect Garcia's consolidated criminal history.

SWORN WITNESSES:

None

CIVILIAN WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

[redacted]

[redacted] was interviewed on June 17, 2014 by Sergeants Brenda Parker and Sonja Bracken. He was interviewed on September 28, 2012 by Detectives Dayton and Barron of Homicide Bureau. Both interviews were audio recorded.

[redacted] said he and his partner [redacted] were working overtime, assigned to a party car, [redacted] They heard a call of shots fired, assault with a deadly weapon just occurred. He said they were in the area and assigned themselves to the call. As they were traveling westbound on 1st Street, he noticed a cyclist coming off of the footbridge east of Mednick. He waved the cyclist over to them and asked him if he had seen anybody on the footbridge. The cyclist told them that he saw a male Hispanic laying down on the ground, wearing dark clothing. [redacted] said he began to keep an eye on the footbridge as his partner continued to talk with the cyclist. He then told his partner that they were going to take a look on the footbridge.

[redacted] made a U-turn and parked their vehicle close to the entrance of the footbridge. He said he got out of the car to check out the footbridge while his partner was putting out radio traffic. He said as he was walking toward the footbridge he could not see anything because it was "pretty dark." He said he took a wide angle and scanned the area with his light. As he looked into the footbridge he saw a male Hispanic crouched down with a bag in front of him along the North wall approximately 30 yards away.

> **IAB Note:** See **Exhibit "D,"** photograph depicting area where deputies saw Suspect Garcia standing, as he pointed his gun, while they were at the entry of the footbridge.

He said at that point the man was not looking at him, but he ordered him to put his hands

up and announced that he was a Deputy Sheriff. He said the suspect then brought up a handgun and pointed it in his direction. [redacted] said, fearing the suspect was going to shoot him, he fired his gun two times. On the second shot his gun jammed. [redacted] saw [redacted] walking toward him and told him that his gun jammed. He said [redacted] stepped in front of him as he cleared a stovepipe. He said at that point, the suspect got up from the ground and started running southbound over the bridge. He said [redacted] started to chase the suspect, and he followed. As they approached the first corner of the bridge and rounded it with caution, they could see the suspect heading southbound in the middle of the bridge.

> **IAB Note:** See **Exhibit "E,"** photograph depicting apex of the footbridge area where deputies saw the suspect standing when he pointed his gun at them.

The suspect turned around and pointed the handgun at them. [redacted] said he pointed his gun at the suspect and fired two to three rounds. He said he saw the suspect fall, and immediately get back on his feet, look at them, and start running southbound away from them. The suspect then ran southbound on the bridge and exited the foot path into the park.

[redacted] said that at this time he put out emergency radio traffic that they had been involved in a shooting and the direction that the suspect was running. He said he and [redacted] communicated about the radio traffic and decided to follow the suspect into the park and to let the responding units contain the suspect. He said they followed the suspect into the park where he was detained by assisting units.

> **IAB Note:** See **Exhibit "F,"** CD containing emergency radio traffic transmitted by Deputies [redacted] and [redacted]

[redacted]

[redacted] was interviewed on June 17, 2014 by Sergeants Brenda Parker and Sonja Bracken. He was interviewed on September 28, 2012 by Detectives Dayton and Barron of Homicide Bureau. Both interviews were audio recorded.

Sergeant [redacted] said on the night of this shooting incident, he was a [redacted] at [redacted] working overtime in unit [redacted] (He will be referred to as [redacted] in this report). [redacted] was working with his partner [redacted] as the book man. While responding to a shots fired, assault with a deadly weapon call, he heard an update on the radio that the suspect was last seen near a footbridge near Mednick and 1st Street. As he and his partner traveled westbound on 1st Street, they stopped near the footbridge and saw a cyclist exit the foot bridge. [redacted] waved the cyclist down, called him over to their location and asked him if he saw anybody on the footbridge. The cyclist told them he saw a man on the footbridge who appeared to be hiding, and wearing dark clothes. He said his partner

made a U-turn and drove to the entrance of the footbridge on 1st Street. He said he started putting out radio traffic that he and his partner would be checking out the footbridge and noted that his partner had gotten out of the car and walked to the entrance of the footbridge.

[redacted] said as he was putting out radio traffic and getting ready to get out of the car, he heard [redacted] say "Let me see your hands. Deputy Sheriff." He said he then heard two shot and immediately his attention is drawn to his partner. He ran over to the entrance of the footbridge and heard [redacted] say, "My gun is jammed." [redacted] stepped in front of his partner and saw a male Hispanic for a "Split second," get up from the ground holding a gun in his right hand in an upward position, pointing toward him. He said by the time he raised his gun to shoot, the suspect turned and ran southbound on the footbridge.

[redacted] said he and his partner started running up the footbridge. He was approximately 30 yards behind the suspect, and his partner was approximately five yards behind him. He said he could see the suspect's upper body as he was running over the footbridge through the chain link fence that surrounds the footbridge. [redacted] said he was slightly ahead of his partner and did not think he had an opportunity to put out radio traffic because he thought the suspect might turn around and shoot at them. Therefore, he was concentrating on the suspect's actions. As they chased the suspect and got closer to the first turn of the footbridge, they started to crouch down for cover and protection. [redacted] said he ended up in a kneeling position and placed his flashlight on the ground as he gripped his gun with two hands. He could feel his partner over the top of him. As they rounded the corner he saw the suspect at the apex of the footbridge. The suspect turned toward them with the gun in his hand and pointed it in their direction. [redacted] said out of fear for his and his partner's life and safety, he fired his gun three to four times at the suspect. He heard [redacted] fire his weapon three to four times as well.

[redacted] said he saw the suspect fall down the slope of the footbridge and momentarily lost sight of him. He then regained sight of the suspect who resumed running southbound over the footbridge, and eastbound down and out of the footbridge into Belvedere Park. [redacted] said at that point he felt the suspect was not going to shoot at them so he started transmitting emergency radio traffic via his handheld radio.

> **IAB Note:** [redacted] said that while chasing the suspect, he heard [redacted] tell him that he would take care of the radio traffic because he ([redacted]) was ahead of him ([redacted]) and had a better observation of the suspect.

Deputy [redacted] said he and his partner continued to chase the suspect into the park to contain, being careful of crossfire from responding units. The suspect ran into the park and was detained by a responding unit.

SUSPECT STATEMENT:

Suspect Antonio De Jesus Garcia was interviewed on October 1, 2012 by Homicide Investigators Barron and Peyton. The interview was audio recorded.

Suspect Garcia said on September 28, 2012 he went to play basketball with friends at a local park in East Los Angeles. Later that day he went to "Ralph's," and purchased some gin. Suspect Garcia had a "couple shots" of the gin and was planning to attend a party later in the evening with friends.

Suspect Garcia said he remembers exiting the Metro-link train sometime during the evening in the vicinity of 1st Street and Mednick Avenue. He did not remember confronting anyone on the street. Suspect Garcia admitted to carrying a gun inside his front pants pocket on the evening of the shooting. He was unaware where the gun came from, but believes someone put it into his backpack earlier that day. He admitted to firing the handgun twice in the air to see if the gun was functional.

> **IAB Note:** See **Exhibit "G,"** Photograph of the gun that Suspect Garcia pointed at Deputies [redacted] and [redacted]

Suspect Garcia said he had been "shot" by deputies, but did not know why. He recalled being detained on the footbridge by deputies. He said he walked toward deputies who were yelling commands at him when they shot him.

Suspect Garcia admitted that the backpack recovered on the pedestrian bridge belonged to him. He denied pointing the gun at the deputies.

SUSPECT INJURIES:

The suspect sustained one gunshot wound to the upper/middle back, one gunshot wound to the middle of back, one gunshot wound to the left lower back, one gunshot wound to the back left thigh, one gunshot wound to the left knee

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

See Exhibit "A," pages 68-74

INVESTIGATOR'S OBSERVATIONS:

During the scene walk through, investigators observed the footbridge where the deputy involved shooting and foot pursuit occurred. Bullet casings, a backpack, a gun and blood were all observed on the footbridge.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy [redacted] used his Beretta 92FS, 9mm Luger caliber, semiautomatic pistol, serial number E[redacted]Z, Deputy [redacted] used his Beretta 92F, 9mm Luger caliber, semiautomatic pistol, serial number BER[redacted]Z.

WEAPONS USED BY SUSPECT:

The suspect pointed a S&W Model 832 Revolver, .32 Caliber, serial # [redacted] at deputies.

PROPERTY DAMAGE:

None

CHARGES FILED AND DISPOSITIONS:

Charges filed were 664/187 (a), Attempted Murder, 245 (d) (1), Assault with a Deadly Weapon on a Peace Officer

WEATHER AND LIGHTING CONDITIONS:

Cool and dark